



BURR RIDGE ZONING ORDINANCE

SECTION XIII ADMINISTRATION

A. ORGANIZATION

The primary administration of this Ordinance is hereby vested in five (5) entities of the government of the Village of Burr Ridge as follows:

1. Community Development Director,
2. Plan Commission,
3. Zoning Board of Appeals, and
4. Village Board of Trustees.

This section shall first set out the authority of each of the above offices, and then describe the procedure and substantive standards with respect to the following administrative functions:

1. Issuance of zoning certificates,
2. Issuance of zoning occupancy certificates,
3. Variations,
4. Appeals,
5. Amendments,
6. Special uses,
7. Planned unit developments.

B. COMMUNITY DEVELOPMENT DIRECTOR

For the purposes of this Ordinance, the Community Development Director shall be that person or persons designated by the Village Board of Trustees as the head of the Community Development Department. The duties are as follows:

1. Enforcement Powers

- a. Issue all zoning certificates and maintain records thereof.
- b. Issue all zoning certificates of use and occupancy and maintain records thereof.
- c. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Ordinance.
- d. Issue violation notices requiring compliance and advising suspected violators of their right to appeal; to issue citations for violations of this Ordinance; and to designate enforcement officers with the same authority. (Amended by Ordinance No. A-834-03-05)



- e. Require that all construction or work of any type be stopped when such work is not in compliance with this Ordinance; and revoke any permit which was unlawfully issued.
- f. Enforce all orders of the Zoning Board of Appeals.

2. Administrative Duties

- a. Supervises all activities regarding planning and zoning and coordinates the consideration by the Plan Commission, Zoning Board of Appeals and Village Board of Trustees of all documents, applications, site plans, planned unit developments and other matters as specified in this Ordinance.
- b. Receives, reviews and forwards all applications for variations and all appeals to the Zoning Board of Appeals for consideration.
- c. Receives, reviews and forwards all applications for amendments, special uses and planned unit developments to the Plan Commission for consideration.
- d. Conducts all pre-application conferences as set forth in this section.
- e. Conducts plan reviews and coordinates the preparation of technical reports to the Plan Commission, Zoning Board of Appeals and Village Board of Trustees.

C. THE PLAN COMMISSION

1. Creation

The Plan Commission for the Village of Burr Ridge, as originally created by Ordinance No. 66 and as revised in Article 1 of Chapter 3 of the Burr Ridge Municipal Code, is the Plan Commission referred to in this Ordinance.

2. Jurisdiction

The Plan Commission shall discharge the following duties under this Ordinance (as well as any other duties assigned to the Commission under the terms of this Ordinance or by direction of the President and Board of Trustees of the Village):

- a. Review all applications for amendments to this ordinance (text or map), hold hearings thereon, and report findings and recommendations to the Village Board of Trustees in the manner prescribed herein.
- b. Review all applications for special uses, hold hearings thereon, and report findings and recommend action to the Village Board of Trustees as prescribed herein.
- c. Coordinate the enforcement of this Ordinance with the Official Comprehensive Plan of the Village of Burr Ridge as amended from time to time.
- d. To hear and report to the Village Board of Trustees, with recommendation, those matters not treated above, which the Village Board of Trustees has referred to it.



D. ZONING BOARD OF APPEALS

1. Creation

- a. The Plan Commission for the Village of Burr Ridge is hereby established as the Zoning Board of Appeals and the members of such Commission shall constitute the members of the Zoning Board of Appeals (with the exception that the Alternate Member of the Plan Commission shall not be a member of the Zoning Board of Appeals) under this Ordinance and under Chapter 3 of the Burr Ridge Municipal Code. Said Commission shall consist of seven members with staggered terms of five years each so that only one term of office expires each year. The successor to each member so appointed shall serve for a term of five years.
- b. All appointments to the Zoning Board of Appeals (Plan Commission) shall be made by the Village President, subject to the approval of the Village Board of Trustees.

One of the members so appointed shall be named as Chairman at the time of appointment. The Village President, subject to approval by the Village Board of Trustees, shall have the power to remove, after a public hearing, any member of the Zoning Board of Appeals (Plan Commission) for cause. Vacancies shall be filled as soon as possible for the unexpired term of any member whose office has become vacant. In the event that the office of Chairman is vacant for any reason, the Village President shall immediately appoint at his option, either one of the remaining members on the Board, or any member who is appointed to fill such vacancy on the Board as the new Chairman. Such appointment shall be subject to the approval of the Village Board of Trustees at its next scheduled meeting.

- c. All meetings of the Zoning Board of Appeals (Plan Commission) shall be held at the call of the Chairman and at such other times as the Board may determine. All testimony by witnesses at any hearing provided for in this Zoning Ordinance shall be given under oath. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public at which time every person has the right to be heard or to be represented by a duly authorized agent or attorney. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. In every case the Board shall include in its official report the reasons a request for a variation is denied. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall immediately be filed in the office of the Village Clerk and shall be of public record.
- d. The concurring vote of four members of the Zoning Board of Appeals (Plan Commission) shall be necessary to reverse any order, requirement, decision, or determination of the Community Development Director or to recommend in favor of the application on any matter which it is authorized by this Ordinance to render a recommendation, or to recommend any variation or modification in the ordinance to the corporate authorities of the Village.

2. Jurisdiction

- a. To review and decide on appeals from any order, requirement, decision, or determination made by the Community Development Director under this Ordinance.



- b. To hear and make recommendations, including findings of fact, to the Village Board of Trustees upon applications for variations from the terms of this Ordinance in the manner prescribed by and subject to the standards established herein.
- c. To hear and report to the Village Board of Trustees, with recommendation, those matters not treated above which the Village Board of Trustees has referred to it.

E. THE VILLAGE BOARD OF TRUSTEES

1. Creation

The Village Board of Trustees of the Village of Burr Ridge, hereinafter referred to as the "Village Board" or "Board of Trustees," as established in accordance with the Statutes of the State of Illinois, is the Village Board of Trustees referred to in this Ordinance.

2. Jurisdiction

The Village Board of Trustees shall discharge the following duties under this Ordinance:

- a. Receive from the Plan Commission, and approve (with or without modifications) or disapprove, all proposed amendments (both text amendments and rezonings) and special uses and/or return the matter to the Plan Commission for further consideration.
- b. Receive from the Zoning Board of Appeals and approve (with or without modifications) or disapprove, all proposed variations from this Ordinance and/or return the matter to the Zoning Board of Appeals for further consideration.
- c. Any other duties required by this Ordinance or state law.
- d. The provisions of this Section XIII.E.2 shall not be interpreted to prevent the Board of Trustees from executing any power it may have.

F. ZONING CERTIFICATES

1. Certificate Required

Except as hereinafter provided, no permit, including a building permit, pertaining to the use of land, buildings, or structures shall be issued by an officer, department, or employee unless the application for such permit has been examined by the Community Development Director or his duly appointed representative, and he has issued a Zoning Certificate indicating that the proposed building, structure or use complies with all the provisions of this Ordinance. Any permit or certificate issued in conflict with the provisions of this Ordinance shall be null and void, specifically including, but not limited to, any building permit for any building, structure, or use which is not allowed in the zoning district in which it is located or, if allowed as a special use, then where no special use has been granted for it.

2. Plans and Drawings

Every application for a zoning certificate shall be accompanied by:

- a. A site plan of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the piece



or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land; and

- b. Additional drawings drawn to a scale in such form as may, from time to time, be prescribed by the Community Development Director showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land, the number of dwelling units and number of bedrooms in such dwelling units, and such other information as may be required by the Community Development Director for the proper enforcement of this Ordinance.
- c. The Community Development Director may, in those cases where in his judgment it is necessary, require certification of said site plan by a registered or licensed professional engineer, registered or licensed architect, or registered or licensed land surveyor.

3. Compliance with Performance Standards

An application for a zoning certificate for a building or structure (or portion thereof) and use which requires compliance with the Performance Standards as herein set forth in the general regulations of the Manufacturing Districts shall have affixed to it the certification of a professional engineer, licensed by the State of Illinois, and who is qualified to review the engineering aspects of the various performance standards regulations. Such certification shall state that the building or structure (or portion thereof) and the operation of the use thereof, or the use of land when no building or structure is involved, complies with all provisions of this Ordinance pertaining to such Performance Standards.

4. Issuance of Certificate

The Community Development Director shall, upon receipt of such application, approve and authorize the issuance of a zoning certificate, provided there is compliance with all other relevant provisions of this Ordinance. The issuance of a zoning certificate shall not relieve the applicant and owner from fully complying with all applicable provisions of this Ordinance unless the Board of Trustees approves a variation therefrom by separate ordinance. Final compliance shall be determined at the time of application for a certificate of occupancy.

G. ZONING CERTIFICATES OF OCCUPANCY

1. When Required

No land, building or structure shall be occupied or used until and unless a Zoning Certificate of Occupancy is issued by the Community Development Director in accordance with the requirements of this Section XIII.G.

- a. Existing Uses: Within nine (9) months of the effective date of this Ordinance, no person shall continue to use or occupy, or permit the use or occupancy, of any non-residential use, building or structure in existence at the time of the effective date of this Ordinance without first obtaining a Zoning Certificate of Occupancy as provided for herein.
- b. Change in Use, Occupancy, Ownership: Upon the effective date of this Ordinance, no person shall change the use, occupancy or ownership, or permit the change in use, occupancy or ownership, of any non-residential use, building or structure, without first obtaining a Zoning Certificate of Occupancy as provided for herein. A "change in use" shall include, but not be limited to, any change where the business entity becomes a new business entity even though the zoning use is the same (e.g., if "X Cleaners" becomes



"Y Cleaners", and takes over this same space, whether by lease, purchase, or any other means, this shall constitute a "change of use" requiring a new Zoning Certificate of Occupancy).

For purposes of this section, "change" of "ownership" shall refer to the conveyance of any real property interest involving the transfer of title, equitable title, beneficial interest, or leasehold interest, or in the case of non-real property "changes" for a corporation, trust, partnership, sole proprietorship, or other business form, the transfer (by sale, gift, exchange, assignment or any other transfer of any kind) of an interest (e.g., shares or beneficial interest) representing more than 25% of the business or more than 25% of the assets of any such business.

- c. New Construction: No person shall occupy or use, or permit the occupancy or use, of any building, or portion thereof, constructed after the effective date of this ordinance, nor use any land, vacant on the effective date of this Ordinance, for any purpose (including but not limited to customer parking) without first obtaining a Zoning Certificate of Occupancy. Zoning Certificates of Occupancy for sexually oriented businesses as defined in Chapter 9 of the Burr Ridge Municipal Code, shall only be issued after the applicant has complied with all requirements for occupancy as specified in said Chapter 9 of the Burr Ridge Municipal Code. (Amended by Ordinance A-834-3-97)

2. Requirements

The Community Development Director shall issue Zoning Certificates of Occupancy, as required herein, only upon a finding of compliance with the following:

- a. The regulations of this Ordinance pertaining to parking and loading, and permitted uses; and
- b. The decisions, conditions or special requirements resulting from the granting of special use permits, or the applicable terms of any lawfully existing annexation agreement affecting the construction of buildings and/or structures on and the use of property.

3. Application

Every application for a Zoning Certificate of Occupancy, as required herein, shall be made directly to the Community Development Director on forms provided for by the Community Development Director.

4. Issuance

The Community Development Director shall review all applications for a Zoning Certificate of Occupancy and within a reasonable period from the application date, shall either issue a Zoning Certificate of Occupancy or deny such an application in a writing that sets forth the reasons why the Certificate cannot be issued.

H. VARIATIONS

1. Purpose

The Zoning Board of Appeals may recommend variations from the regulations of this Ordinance to the Village Board of Trustees under the standards set forth below. Such variations shall be considered only in specific instances hereinafter set forth, and where the Zoning Board of Appeals holds a public hearing and makes findings of fact in accordance with the standards hereinafter prescribed.



2. Application and Notice of Hearing

- a. An application for a variation may be made by any governmental office, department, board, bureau, or commission or by any person, firm, or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase, or any exclusive possessory interest applicable to the land or land and improvements described in the application for a variation.
- b. An application for a variation shall be filed with the Community Development Director, who shall forward such application to the Zoning Board of Appeals for processing.
- c. Notice of all public hearings conducted by the Zoning Board of Appeals wherein an application for a variation is to be considered shall be published at least once not more than thirty nor less than fifteen days before said hearing in one or more newspapers published within the Village or, if no newspaper is published within the Village, then in a newspaper(s) with a general circulation within the Village of Burr Ridge as required by law.

3. Standards for Variations

The Zoning Board of Appeals shall not recommend variations from the regulations of this Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
- b. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the zoning district in which it is located.
- c. The conditions upon which an application for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.
- d. The purpose of the variation is not based primarily upon a desire to increase financial gain.
- e. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property.
- f. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- g. The granting of the variation will not alter the essential character of the neighborhood or locality.
- h. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

- i. The proposed variation is consistent with the official Comprehensive Plan of the Village of Burr Ridge and other development codes of the Village.

The Zoning Board of Appeals may recommend and the Village Board of Trustees may impose such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards established in this section and the objectives of this Ordinance.

4. List of Variations

Variations from the regulations of this Ordinance which meet the standards established above, may be recommended by the Zoning Board of Appeals and granted by the Village Board of Trustees only in the instances described herein and in no others. The listing of the following variations does not in any way obligate the Village of Burr Ridge to approve such variations. Each variation requested must meet the standards for variations contained herein:

- a. To permit any yard or setback to be less than the setback or yard required by the applicable regulations.
- b. To permit a modification to the area, width, or shape of a lot or lots.
- c. To permit a modification to the parking and loading regulations including but not limited to parking variations whereby land is set aside to accommodate future increases in parking demand (i.e. land banking of parking).
- d. To reduce the land area required for use of the planned unit development provisions of this Ordinance from that amount required in each zoning district.
- e. To increase the maximum gross floor area of any use so limited by applicable district regulations.
- f. To increase the maximum allowable building height of any use in any district.
- g. To permit outside storage in a manufacturing district.
- h. To permit modifications to the regulations for accessory buildings, structures, and uses including but not limited to fences, sheds, and pools.

Recommendations for approval, approval with conditions or disapproval shall be referred to the Village Board, incorporating the Zoning Board of Appeals findings of fact for final action.

The Village Board of Trustees may authorize applications for variations other than those listed above. In such cases, the Village Board of Trustees must direct the Zoning Board of Appeals to hear the variation request, hold a public hearing and submit recommendations. Provided, however, in no event shall a specific use be permitted by variation which otherwise would not have been allowed.

5. Revocation

Where a variation has been granted pursuant to the provisions of this Ordinance, such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Village Board of Trustees.



I. APPEALS

1. Authority

An appeal may be taken to the Zoning Board of Appeals from any order, requirement, decision or determination made by the Community Development Director or by any person aggrieved by action taken under the regulations of this Ordinance. The Zoning Board of Appeals shall review and make a final ruling on the appeal.

2. Initiation

An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any office, department, board, bureau, or commission (including any of the Village), aggrieved by an administrative order, requirement, decision or determination under this Ordinance by the Community Development Director or other authorized official of the Village of Burr Ridge. For purposes of this Section, an aggrieved person shall include any person who is in opposition to the original decision.

3. Processing

An appeal shall be filed with the Community Development Director, with a copy to any other authorized official of the Village of Burr Ridge involved in the matter being appealed. The Community Development Director shall forward such appeal, including all papers from any other authorized official which constitute the record upon which the appeal action is taken, to the Zoning Board of Appeals for review. The Zoning Board of Appeals shall fix a reasonable time for the review of the appeal and shall give due notice thereof to the party filing the appeal and to the Community Development Director.

4. Stay of Proceedings

Once an appeal is taken, such appeal shall stay all proceedings and all construction or development which is the object of the appeal, unless the Community Development Director certifies that a stay would cause imminent peril, and in that event, the specific directions of the Community Development Director shall be followed until the appeal has been finally decided.

5. Decisions

All decisions by the Zoning Board of Appeals, after its deliberation, from any order, requirement, decision, or determination relating to this Ordinance made by the Community Development Director shall in all instances be final administrative determinations.

J. AMENDMENTS

1. Authority - Declaration of Public Policy

For the purpose of promoting the public health, safety and general welfare, conserving the value of property throughout the community, and lessening or avoiding congestion in the public streets and highways, the Village Board of Trustees may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Ordinance or amend district boundary lines, including rezoning or reclassifying specific property, provided that in all amendatory ordinances adopted under the authority of this Section, due allowances shall be made for existing conditions, the policies, standards, and principles of the Official Comprehensive Plan of the Village of Burr Ridge, as

amended, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.

2. Application, Notice and Hearing

- a. Amendments may be proposed by the Board of Trustees, Plan Commission, and by a person, firm, or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for an amendment.
- b. An application for an amendment to this Ordinance shall be filed with the Community Development Director in such form and accompanied by such information as required by the Community Development Director. The Community Development Director, upon receiving an application for amendment, shall transmit the application, along with all pertinent data filed therewith, to the Plan Commission for review, public hearing and recommendation to the Village Board of Trustees.
- c. The Plan Commission shall schedule a public hearing on any proposed amendment in accordance with the Statutes of the State of Illinois. Such public hearing shall be scheduled within 60 days of receipt of a complete application for amendment unless an extension of time is requested in the application and approved by the Plan Commission. Notice of time and place of public hearings shall be published at least once in a newspaper published within, or if none, then of general circulation within the Village of Burr Ridge not more than 30 days nor less than 15 days before such public hearing. Notice will be sent as required by the Statutes of the State of Illinois.

3. Recommendation of the Plan Commission - Findings of Fact

The Plan Commission shall submit written recommendations to the Village Board of Trustees within 60 days of the conclusion of the public hearing. Extension of this time period may be allowed by mutual consent of the applicant and Plan Commission. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:

- a. Existing uses of property within the general area of the property in question.
- b. The zoning classification(s) of property within the general area of the property in question.
- c. The suitability of the property in question to the uses permitted under the existing zoning classification.
- d. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification; and
- e. The impact upon the objectives of the Official Comprehensive Plan of the Village of Burr Ridge, as amended.

The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is not detrimental to the public interest. The Plan Commission may recommend the adoption of an amendment



changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph, the R-1 District shall be considered the highest classification and the G-I District shall be considered the lowest classification.

4. Action by the Village Board

- a. The Village Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Plan Commission on the proposed amendment incorporating their findings of fact as specified in Section XIII.J.3.
- b. The Village Board may grant, grant with modifications, or deny any application for an amendment, or refer it back to the Plan Commission for further consideration.
- c. In case a written protest against any proposed amendment signed and acknowledged by owners of 20 percent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage immediately adjoining or across the alley therefrom, or by owners of 20 percent of the frontage directly opposite the frontage to be altered, is filed with the Village Clerk, the amendment cannot be passed except on the favorable vote of two-thirds of all members of the Board of Trustees. In such cases, a copy of the written protest must be served by the protestor or protestors on the applicant for the proposed amendment and also a copy upon the applicant's attorney, if any, by certified mail at the addresses of such applicant and attorney shown in the application for the proposed amendment.

K. SPECIAL USES

1. Purpose

The development and execution of this Ordinance is based upon the division of the community into districts within which districts the use of land, buildings, and structures, and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location. Such conditional permitted uses (also referred to as special uses) fall into three categories:

- a. Uses publicly operated or traditionally associated with a public interest, and
- b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon the use and enjoyment of neighboring property or public facilities.
- c. Planned unit developments.

A use may be a permitted use in one or more zoning districts and a special use in one or more other zoning districts.

2. Initiation of a Special Use

Any person, firm, corporation, office, department, or other legal entity having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive

possessory interest which is specifically enforceable, may file an application with the consent of the property owner to use such land for one or more of the special uses provided for in this Ordinance in the zoning district in which the land is located.

3. Pre-application Conference

With the exception of planned unit developments (see Section XIII.L et. seq. below), prior to official submittal of an application for a special use, the applicant shall meet with the Community Development Director for a pre-application conference as to the scope and nature of the proposed special use. The purpose of the conference is to allow the applicant to informally present the proposed development to the Community Development Director and to present a general concept prior to the preparation of detailed plans. Prior to the scheduling of a pre-application conference, the applicant shall submit to the Community Development Director material including, at a minimum, the following:

- a. To the extent applicable, a written "Letter of Intent" from the applicant establishing the applicant's intentions as to development of the special use.
- b. To the extent applicable, a location map.
- c. To the extent applicable, sketch plans regarding land use, dwelling or building types and density, street and lot arrangements and tentative lot sizes.
- d. To the extent applicable, tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.
- e. To the extent applicable, parking provisions.
- f. Other material the applicant may wish to present or the Community Development Director may request.

4. Application for Special Use

An application for a special use shall be filed with the Community Development Director on a form prescribed by the Community Development Director. The application shall be accompanied, at a minimum, by the following:

- a. An accurate topographic and boundary line map of the project area and a location map showing its relationship to surrounding properties.
- b. The pattern of public and private roads, driveways, and parking facilities and intended design standards.
- c. The size, arrangement, and location of lots of proposed building groups.
- d. Location, type and size of proposed landscaping.
- e. The use, type, size and location of structures.
- f. The location of sewer and water facilities.
- g. Architectural drawings and sketches illustrating the design and character of proposed buildings and structures.
- h. The location of open space areas and areas dedicated for public uses such as schools, parks, etc.
- i. Existing storm drainage pattern and proposed storm drainage system showing basic topographic changes.



- j. Statistical data on total size of project area, area of useable open space, density computation and proposed number of residential units by type, and any other similar data pertinent to a comprehensive evaluation of the proposed development.
- k. A copy of intended and/or existing deed restrictions.

Where conditions warrant, the Community Development Director or the Plan Commission may require additional documentation or may waive any of the above requirements.

Such application shall be forwarded by the Community Development Director to the Plan Commission for public hearing and recommendation to the Village Board of Trustees.

5. Hearing for Special Use

The Plan Commission shall hold a public hearing on each application at such time and place as shall be established by the Plan Commission after due notice as required by law. Such hearing shall be scheduled not more than 60 days from the date that a complete application for a special use has been received by the Community Development Director. Notice of time and place of public hearings shall be published at least once in a newspaper published within, or if none, then of general circulation within the Village of Burr Ridge not more than 30 days nor less than 15 days before such public hearing. Notice will be sent as required by the Statutes of the State of Illinois.

6. Plan Commission Findings

For each application for a special use, the Plan Commission shall, within 60 days of the conclusion of the public hearing on the application, report its written findings and recommendations to the Village Board of Trustees unless an extension of such time limit has been requested by the applicant and approved by the Plan Commission.

7. Standards

No special use shall be recommended by the Plan Commission or approved by the Village Board unless it is found that:

- a. The use meets a public necessity or otherwise provides a service or opportunity that is not otherwise available within the Village and is of benefit to the Village and its residents.
- b. The establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.
- c. The special use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood in which it is to be located.
- d. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- e. Adequate utilities, access roads, drainage and/or necessary facilities have



been or will be provided.

- f. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- g. The proposed special use is not contrary to the objectives of the Official Comprehensive Plan of the Village of Burr Ridge as amended.
- h. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission or, if applicable, the Zoning Board of Appeals.

8. Conditions and Guarantees

Prior to the granting of any special use, the Plan Commission may recommend and Village Board of Trustees may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as is deemed necessary or desirable for the protection of the public interest and to secure compliance with the standards and requirements specified in Section XIII.K.7, above. In all cases in which special uses are granted, the Village Board of Trustees shall approve a specific site plan, including landscape plans if applicable, and shall require such evidence and guarantees as it may deem necessary as proof that the special use will comply with all conditions stipulated in connection therewith.

9. Action by the Village Board of Trustees

- a. The Village Board of Trustees shall not act upon a proposed special use permitted under this Ordinance until it shall have received a written report and recommendation from the Plan Commission on the proposed special use.
- b. The Village Board of Trustees may grant, grant with modifications, or deny, by ordinance, or refer back to the Plan Commission for further study, any application for special use. The Board shall approve a specific site plan, including landscape plans if applicable, and may establish such conditions and restrictions, along with appropriate guarantees, upon the establishment, location, construction, operation, and maintenance of a proposed special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section XIII.K.7.
- c. In all cases where the Village Board of Trustees permits the establishment of a special use, the ordinance establishing the special use shall contain a specific description of the special use, along with any conditions, restrictions or guarantees made part of the basis for such approval.

10. Deviations and Changes

Except as provided below for minor changes, any modifications to the approved site plan for a special use shall require a new pre-application conference, a new application and a new public hearing as set forth above. If the developer or owner of land affected by the special use wishes to deviate from the approved site plan, a written request shall be filed with the Community Development Director, setting forth in detail the changes requested, accompanied by site plans clearly indicating the scope of the changes.

The Community Development Director shall make a written determination of the nature of the proposed changes, including whether they are minor or substantial as



herein set forth. If the Community Development Director determines that the proposed change is minor, then it shall be referred to the Plan Commission for review and a recommendation to the Village Board of Trustees. No public hearing shall be required. After review and consideration of a minor change, the Plan Commission may recommend to the Village Board of Trustees such modifications as it deems appropriate without the requirement for further public hearings, and the Village Board of Trustees shall then make such decision on the proposed minor change as it deems appropriate. There is no specific right to any such modifications and, therefore, the decision of the Village Board of Trustees shall be final. If the decision is to approve any such minor change, the applicant shall be bound to develop the special use in accordance with such decision and the modified site plan and any modifications to the conditions and guarantees which the Village Board of Trustees shall require.

- a. **Minor Changes** - A minor change is any change in the site plan or design details which is consistent with the standards and conditions applying to the special use heretofore granted and which does not alter the concept or intent of the special use permit. A minor change shall not increase the project's density, the height or number of buildings and structures or the number of signs; shall not reduce open space, and shall not add new parking or other paved areas or new lighting.
- b. **Substantial Changes** - A substantial change shall be any change other than a minor change.

11. Effect of Denial of Special Use

No application for the same or substantially similar special use, which has been denied wholly or in part by the Village Board of Trustees, shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Village Board of Trustees.

12. Revocation

In any case where construction of a special use (other than a planned unit development) has not been commenced within six months of Board approval or has not been substantially completed within two years of Board approval, all in accordance with the terms of the special use originally granted, then the special use and authorization thereof, shall be null and void unless extended by the Board of Trustees.

In connection with a planned unit development, in any case where commencement of the plat process for said planned unit development has not occurred within three months after approval of the planned unit development by the Village Board, or in any case where construction has not been commenced within six months after approval of a plat of subdivision for the planned unit development (or any portion thereof), or in any case where construction has commenced within the required time period but does not thereafter continue with reasonable progress, the special use which was originally granted shall be null and void unless time is extended by the Board of Trustees.

L. PLANNED UNIT DEVELOPMENTS

1. Purpose and Description of Planned Unit Developments

The purpose of the planned unit development provisions of this Ordinance is to provide a mechanism to accommodate development of an area of the minimum size established in specific district regulations set forth in this Ordinance which is in the

public interest, and which would not otherwise be permitted pursuant to this Ordinance. It is anticipated that Planned Unit Developments will offer one or more of the following advantages: designs which reflect the historic open character of single family areas of the Village, designs which enhance the appearance of neighborhoods by conserving streams, areas of natural beauty, and natural green spaces, designs which counteract possible urban monotony and congestion in streets, designs which promote compatible architecture between adjacent buildings and structures, and designs which will substantially buffer and provide appropriate transitions between differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development. These provisions are also intended to provide an opportunity to accommodate developments that involve one or more uses and that may be located in more than one zoning district.

In general, the planned unit development provisions of this Ordinance are intended to provide the following:

- a. A choice in the type of environment available to the public by allowing development that would not be possible under the strict application of other sections of this Ordinance.
- b. Development and/or permanent reservation of open space, recreational areas and facilities.
- c. A land use plan which permits preservation of green space, natural vegetation, topographic and geological features and historic resources.
- d. A creative approach to the use of land and related physical facilities which results in better urban design, higher quality construction and the provision of aesthetic amenities.
- e. The efficient use of land, so as to promote economies in the provision of utilities, streets, schools, public grounds and buildings, and other facilities.
- f. Innovations in development so that the growing needs and demands of the population may be met by a greater variety in type, design, and layout of buildings and structures, and by conservation and more efficient use of open space ancillary to said buildings and structures, all in a manner so as to be consistent with the character of the zoning district in which the planned unit development is located.
- g. A land use which promotes the public health, safety, comfort, morals and welfare.

The planned unit development requirements and regulations allow for far more flexibility than those pertaining to other uses.

It is not intended that the Village will automatically grant the maximum density increases for all planned unit developments, but it is expected that the Village Board shall grant only such increases or uses which are consistent with the benefits accruing to the Village as a result of the planned unit development. Therefore, the Plan Commission and Village Board may as a condition of approval require conditions, limitations and/or design factors which will promote proper development of a planned unit development.

2. Procedure

A planned unit development shall be granted as a special use in the district in which it is permitted in accordance with the procedures and standards set forth in this Section. To the extent that the procedures and standards set forth in this Section are



inconsistent with the requirements set forth in other sections of the Ordinance or any other development control ordinance of the Village, this Section shall apply, except that all required improvements shall comply with construction standards, design standards and all other engineering standards contained within the Village's Subdivision Regulations Ordinance.

Applications shall be made on forms provided by the Village and shall be accompanied by the required plans and documents. The application, and each step set forth herein shall be reviewed and certified by the Community Development Director as complete and to be in accordance with the planned unit development requirements.

a. Community Development Department Review

Prior to filing a formal application for approval of a planned unit development, the applicant shall submit to the Community Development Director a written request for a pre-application conference with the Community Development Director.

The purpose of such a conference is to allow the Community Development Director, or delegate, to inform the applicant of all applicable ordinances, rules, regulations, plans, policies, standards, and procedures which are at that time officially adopted and which may affect the proposed development or the consideration of said development by the Plan Commission. Such a conference also allows the applicant to present a general concept of his proposed development prior to the preparation of detailed plans. At the conference the applicant shall present material including at a minimum the following:

- (1) A written "Letter of Intent" from the applicant establishing the applicant's intentions as to development of a specific planned unit development located within or to be annexed to the Village of Burr Ridge.
- (2) A location map.
- (3) Sketch plans regarding land-use, dwelling-type and density, street and lot arrangements and tentative lot sizes.
- (4) Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.
- (5) Parking provisions.
- (6) Other material the applicant may wish to present or the Community Development Director may request.

The Community Development Director shall advise the applicant of the zoning requirements and official village plans and policies which might affect the proposed development as well as the procedural steps for approval.

b. Pre-application Conference

Prior to filing the preliminary plan referred to below, the applicant shall request a pre-application conference with the Plan Commission. The request shall be accompanied by the documents previously submitted to the Community Development Director with such changes as the applicant has made subsequent to the applicant's meeting with the Community Development Director, and shall include the documentation required in

Section XIII.L.3 hereof. At the pre-application conference, the Plan Commission shall advise the applicant of planning objectives which may affect the property and any other issues of concern to the Plan Commission. The application shall likewise be referred to the Village Engineer and other appropriate staff for review. The Plan Commission shall obtain the report of its staff on the proposed development, recommending such changes in building location, pattern of roadways, landscaping, and other matters as may be required to achieve a site plan consistent with the purposes and standards set forth in this Ordinance and the goals of the Comprehensive Plan. If, in the opinion of the Plan Commission, the proposed plan could be improved in respect to the criteria listed herein by modification of the location of open space, buildings, structures, or any other detail, the proposed plan shall be so modified or the developer shall provide in writing the objections to the modifications.

c. Preliminary Plan.

After the pre-application conference the preliminary plan of the planned unit development shall be submitted when ready to the Community Development Director, who will review it and, once it is complete, shall so certify that the application is complete and shall forward it to the Plan Commission for its consideration, public hearing and subsequent recommendation to the Village Board. The Community Development Director shall submit minutes of the pre-application conference to the Plan Commission and to the Village Board of Trustees. The Plan Commission may request review of the planned unit development by and recommendations from other appropriate Village departments and any other taxing body it deems affected by the proposed development. The Plan Commission may require workshop meetings to discuss and review the proposal and may assign review responsibilities to appropriate Plan Commission subcommittees.

The required procedure for consideration and approval of the preliminary plan shall be:

- (1) Submission of the following:
 - (a) Written application for approval of a planned unit development shall be made on forms and in the manner prescribed by the Village.
 - (b) The preliminary plan and supporting data shall be in accordance with the provisions of Section XIII.L.3 hereof.
 - (c) A statement of conformity with the Village's Subdivision Ordinance along with a list of any requested variations from these regulations.
 - (d) Copies of the preliminary planned unit development plan and supporting data shall be submitted to the Village for certification as to conformity with these regulations and any recommendations and suggestions regarding the overall design.
- (2) Copies of the preliminary planned unit development plan and supporting data shall be made available by the applicant to any school district, sanitary district, library district, park district, fire protection district, and other taxing bodies which might be affected by the development.
- (3) The Plan Commission shall hold a public hearing on application for



approval of a planned unit development.

- (4) Following the review of the preliminary plan and other supporting data and after the public hearing, the Plan Commission shall make its findings and recommendations and send a report to the Village Board of Trustees which shall include findings of fact upon which its recommendations are based as specified in Section XIII.L.7 hereof. Such findings and recommendations shall include a recommendation for approval, disapproval, or approval with modifications. This report to the Village Board of Trustees must be submitted within 70 days after the last session of the public hearing of the Plan Commission or the Commission must indicate to the Village Board of Trustees why such a report cannot be rendered within that time period.
- (5) The Village Board shall, within 120 days after receipt of the Plan Commission's report, approve, approve with modifications, refer back to the Plan Commission for further review, disapprove the plan or provide a written explanation to the petitioner on why an extension is required for Village Board of Trustees action. The time period for action shall be exclusive of any time extensions or continuances requested by the petitioner.
- (6) Approval of the preliminary plan for a planned unit development shall not constitute approval of the final planned unit development plan nor subdivision approval and all procedures for approval of a final plan and the planned unit development shall fully comply with all procedures of the Subdivision Regulations Ordinance of the Village, if applicable, and other applicable ordinances. Approval of the preliminary plan shall be deemed an expression of approval of the concepts and details of the preliminary plan of planned unit development which are set forth in the application for approval of the planned unit development, and as a specific guide to the preparation of final documents which are required as part of the application for approval of the final planned unit development plan. Further, it indicates approval of the details set forth in the application and a commitment by the applicant to the details set forth in the application.

No building permit shall be issued for any building or structure until the final plan and appropriate plats of subdivision have been filed, approved, and recorded with the County Recorder or Registrar of Titles, if applicable, as provided below.

d. Final Plan

The purpose of the final plan is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so subdivided, into common open areas and building sites. The preliminary plan shall generally locate buildings and structures, whereas the final plan shall show the exact location of each building and structure to be constructed and a designation of the specific internal uses proposed for each building and structure. The final plan also functions to inform all who deal with the planned unit development of the restrictions placed upon the land and acts as a zoning control device, and shall be approved by separate ordinance.

The required procedure for consideration and approval of the final plan shall be:

- (1) Within 60 days after approval by the Board of Trustees of the preliminary plan, the final plan and supporting data, all as required by Section XIII.L.3, shall be submitted to the Community Development Director for certification that the final plan is in conformity with these regulations and with the approved preliminary plan, including all conditions, exceptions and the like contained in the Board of Trustees' approval of the preliminary plan. If the previously approved preliminary plan has sufficient detail and conforms with the conditions of approval set forth by the Board of Trustees, as determined by the Community Development Director, then the Community Development Director may recommend that it also be approved as the final plan.
- (2) Within 30 days of receipt from the applicant of the final plan documents, the Community Development Director shall send his findings and recommendations to the Board of Trustees which shall, within 30 days, approve, refer the plan to the Plan Commission, approve with modifications, or disapprove the plan. Disapproval of the final plan shall include a clear statement of the reasons therefor. If the Board of Trustees refers the final plan to the Plan Commission, the Plan Commission shall make such review and provide the Board of Trustees with a written recommendation and findings within 30 days.
- (3) Approval of the final plan shall be set forth in ordinance form. Said ordinance shall detail with particularity all conditions, exceptions and the like and shall include as an exhibit the final plan documents or specific reference to the final plan documents.
- (4) If lands within the planned unit development are to be formally subdivided (i.e. as defined by the Village of Burr Ridge Subdivision Ordinance), adoption of the ordinance approving the final planned unit development plan shall not constitute subdivision approval. Approval of the final plat of subdivision may occur at the same time, however, if all requirements of the Subdivision Regulations Ordinance have been met.

3. **Specific Content of Plans**

Planned unit development plans and supporting data shall include all documentation listed in this Section of this Ordinance and any other data requested by the Village in order to complete its review of the project. In developing plans and specifications for all required improvements, the applicant must also conform to the standards set forth in the Village's Subdivision Regulations Ordinance or specifically state where and for what purpose the applicant wishes to be granted exceptions to those regulations.

a. **Pre-application Stage**

- (1) **General Site Information:** Data regarding site conditions, land characteristics, general land use, zoning, available community facilities and utilities, surface water drainage characteristics, existing covenants, and other related general information about land-uses within one-half (1/2) mile of the proposed site perimeter. A summary of the site data must be provided, including the percentage of the site to be occupied by buildings and structures, the percentage of the site to be occupied by parking, drives, streets and all other paved areas, and the percentage of the site which will remain open green space.



- (2) **Sketch Plan:** A scaled drawing in simple sketch form showing the proposed location and extent of the land uses, major streets, lots and other features as they are related to the site.
- (3) **Legal Description:** A property survey and legal description of the site proposed for development.

b. **Preliminary Plan Stage**

- (1) **Detailed Plan:** A drawing of the planned unit development shall be prepared at a scale not less than 1" = 50' and shall show such designations as proposed streets (public and private), all buildings and structures, their yards and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings, and shall include:
 - (a) Boundary lines - bearings and distances.
 - (b) Easements - general location, width and purpose of proposed easements.
 - (c) Existing land-use - within 500' of all sides of the site.
 - (d) Other conditions on adjoining land - actual direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings and structures, railroads, power lines, towers and other nearby nonresidential land-uses or adverse influences; for adjoining platted land refer to subdivision plat by name and upon request of Village, show approximate percent built up, typical lot size and dwelling type.
 - (e) Zoning on and adjacent to the tract.
 - (f) Streets on, and adjacent to, the tract - street names and right-of-way widths, walks, culverts, etc.
 - (g) Proposed public improvements - highways and other major improvements planned by public authorities for future construction on or near the tract.
 - (h) Utilities on, and adjacent to, the tract - location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of fire hydrants and street lights; direction and distance to, and size of, nearest water mains and sewers adjacent to the tract showing invert elevation of sewers.
 - (i) Ground elevations on the tract and on the first 50 feet on all adjacent tracts of land showing one (1) foot contours for land which slopes less than one-half (1/2) percent along with all breaks in grades, at all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than one-half (1/2) percent showing two (2) foot contours. Any land within the 100 year floodplain, as determined by the Village Engineer, shall be shown on these drawings.

- (j) Subsurface conditions on the tract, if required by the Village Engineer - location and results of tests made to ascertain subsurface soil, rock and groundwater conditions, depth to groundwater, unless test pits are dry at a depth of five (5) feet; location and results of soil percolation test if individual sewage disposal systems are proposed.
 - (k) Other conditions on the tract - water courses, marshes, rock outcrop, identification of all wooded areas, and also including identification of each tree on the subject property (whether in "wooded areas" or isolated), eight inches (8") in diameter or greater (measured one foot above ground) and their location and species, existing buildings and structures and other significant features.
 - (l) Title information, legal description; title under which the proposed development is to be recorded, with names and addresses of current and proposed owners and developers, and notation stating acreage. Owners shall include beneficial owners of any land trust.
 - (m) Size, arrangement and location of lots, buildings, structures, or proposed building groups.
 - (n) Open space - all parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purposes indicated.
 - (o) General location, purpose and height of each building and structure, other than detached single-family residences, on individually platted lots.
 - (p) Map data - name of development, north point, scale and date of preparation.
 - (q) Miscellaneous - such additional documents as may be required by the Plan Commission or the Community Development Director. The Community Development Director shall inform the applicant of such requirements after the pre-application stage and again after the initial presentation of the preliminary plan to the Plan Commission.
- (2) **Variations:** Identification and explanation of those aspects of the proposed planned unit development that vary from the Zoning Ordinance requirements applicable to the underlying zoning district, and also from the Subdivision Regulations Ordinance of the Village.
 - (3) **Character:** Explanation of the character of the planned unit development and the reasons why it has been planned to take advantage of the flexibility of these regulations. This item shall include a specific explanation of how the proposed planned unit development meets the objectives of all official plans which affect the land in question.
 - (4) **Ownership:** Statement of present and proposed ownership of all land within the project including the beneficial owners of any land trusts.



- (5) **Schedule:** Development schedule indicating:
- (a) Stages in which project will be built, with emphasis on area, density, use and public facilities, such as open space to be developed with each stage. Each stage shall be described and mapped as a unit of the project. Overall design of each unit shall be shown on the plan and through supporting graphic material.
 - (b) Dates for beginning and completion of each stage (unit).
- (6) **Market Analysis:** If requested by the Village, documentation indicating the extent of market demand for the uses proposed in the planned unit development including analysis of demographics, sales potentials, competitive alignment, assessment of market share and market positioning of each component of the planned unit development.
- (7) **Covenants:** Proposed agreements, provisions, and/or covenants which will govern the use, maintenance, and continued protection of the planned unit development and any of its common open space. Proposed condominium declarations and by-laws of condominium form of ownership if it is to be used in the planned unit development.
- (8) **Residential:** Provide information on the density of residential uses, including dwelling units per gross acre, dwelling units per net acre; gross and net residential density (dwelling units per acre of land devoted to residential sectors of the planned unit development; gross being all land, net being gross acres minus land used for public or common usage); the number of dwelling units by type, and the number of bedrooms in each dwelling unit type. Information should be provided for each unit in the planned unit development.
- (9) **Nonresidential Intensity:** Provide information on the type and amount of nonresidential uses including locations, sizes, floor area ratio, and height of all buildings and structures; the amount and location of common open space; and any other data pertinent to a comprehensive evaluation of the proposed development.
- (10) **Service Facilities:** Provide information on all service facilities, driveways, private streets, paths and off-street parking facilities.
- (11) **Architectural Plans:** Preliminary architectural plans for all primary buildings and structures shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings and structures, and the number, size and type of dwelling units.
- (12) **Landscape Plan:** A detailed landscape planting plan, including location, size and type, for the site, including permanent signs and street fixtures.
- (13) **Cost-Revenue Analysis:** A study shall be prepared indicating the fiscal impact of the planned unit development on major taxing bodies, which may include but not be limited to, the school district(s), fire protection district(s), municipal corporation, library district(s), and the park district(s). Information will include detailed estimates on: expected population of the development; the operating cost to be incurred by each taxing body; any additional major capital

investments required, in part or in whole, because of the planned unit development; revenue generated for each taxing body by the planned unit development to offset fiscal problems created by the planned unit development. The study should include a cash flow analysis based on the proposed staging of the planned unit development.

- (14) **Traffic Analysis:** If requested by the Village, a study of the impact caused by the planned unit development on the street and highway systems operating in the Village will be required.
- (15) **Environmental Analysis:** If requested by the Village, the major impacts of the planned unit development on the environment shall be analyzed and shall disclose all major negative impacts. Generally, these impacts would include effects on discrete ecosystems, deteriorated air quality in the immediate vicinity and along aerial and collector highway corridors leading to the planned unit development to a distance established by the Village Engineer; any deterioration in the groundwater or surface water quality; effect on sensitive land areas as identified by the Village Board of Trustees from time to time, such as floodplains, wetlands, streams, creeks, forests, and areas with substantial tree growth, aquifer recharge areas, historic buildings or structures, prairie landscapes, and mineral resource reserves.

c. **Final Plan Stage**

A final detailed plan shall be prepared by the petitioner in substantial accordance with the approved preliminary plan. The purpose of the final plan of development is to designate with particularity the final development details and to designate and limit the specific internal uses of each building, structure, and use of land. Final plans and supporting data shall show in detail the design, location and internal use of all buildings and structures and overall land development as well as such additional information as the Village Board of Trustees or the Plan Commission may have required when approving the preliminary plan. The final plan of the planned unit development shall include the same detailed information required for the preliminary plan and other information requested by the Village. If the previously approved preliminary plan has sufficient detail and conforms with the conditions of approval set forth by the Board of Trustees, as determined by the Community Development Director, then the Community Development Director may recommend that it also be approved as the final plan.

4. **Exceptions**

a. **Use Exceptions**

The Plan Commission may recommend and the Village Board of Trustees may authorize that there be permitted in part of the area of a proposed planned unit development specified uses not otherwise permitted by the use regulations of the districts in which said development is located, provided that the Plan Commission shall find:

- (1) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose and character of the planned unit development.
- (2) That the uses permitted by such exception are not of such nature or so located as to exercise a detrimental influence on the neighborhoods surrounding the planned unit development, or upon

the internal character of any part of, or all of, the planned unit development, itself.

b. Bulk Exceptions

In the case of any planned unit development, the Plan Commission may recommend and the Village Board of Trustees may authorize exceptions to the applicable bulk regulations of this Ordinance within the boundaries of such planned unit development, provided that the Plan Commission shall find:

- (1) That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development, as well as the neighboring property, that would be obtained under the bulk regulations of this Ordinance for buildings and structures developed on separate zoning lots;
- (2) That the overall floor area ratio for the planned unit development would not exceed by more than five (5%) percent the maximum floor area ratio which would be determined on the basis of the floor area ratio required for the individual uses in such planned unit development, as stipulated in each zoning district.

5. Bulk Regulations (Residential)

The following bulk regulations shall serve as minimum regulations for any residential planned unit development and petitioners may be required to comply with more stringent and/or different bulk regulations as determined during the approval process for any planned unit development. Bulk regulations for non-residential planned unit developments shall be established during the review of the planned unit development.

a. Lot Width and Lot Width Area

Lot width and lot area shall be as approved by the Board of Trustees after receiving the recommendations of the Plan Commission, provided:

- (1) that the lot area for single-family detached dwellings be not less than an average of 16,000 square feet and no lot shall have an area of less than 14,000 square feet, except in a cluster-type lot arrangement, the minimum lot area may be reduced;
- (2) that for single-family semi-detached and attached dwellings and multiple-family dwellings no minimum lot width or lot area may be required; and
- (3) that for other permitted and special uses allowed the lot areas and lot widths shall be as required in the R-1 District.

b. Floor Area Ratio

- (1) Single-family detached dwellings - 0.20 unless otherwise approved by the Board of Trustees after receiving the recommendation of the Plan Commission.
- (2) Single-family semi-detached and attached dwellings, and multiple-family dwellings not to exceed 0.50.
- (3) Other permitted or special uses - as in the R-1 District.



c. **Yards**

Along the periphery of such planned unit developments front, side and rear yards shall be provided as required by the regulations of the district in which said development is located.

All yards for single family detached dwellings not located along the periphery of a planned unit development shall be as approved by the Corporate Authorities after receipt of the recommendation of the Plan Commission, and if no specific approval is given, such yards shall be provided as required by the regulations of the District in which said development (or portion thereof) is located.

For other residential uses, minimum yards shall be provided in compliance with the following:

		Front <u>Yard</u>	Interior Corner <u>Side Yard</u>	Rear <u>Side Yard</u>	<u>Yard</u>
(1)	Single-family clustered dwellings	40 ft	10 ft*	40 ft	30 ft
(2)	Single-family semi-detached, attached and multiple-family dwellings	30 ft	15 ft	30 ft	30 ft

(3) *Interior side yards for single-family clustered dwellings on interior lots may be less than 10 feet provided the side yards shall have a combined width of 10 feet and the separation between buildings on adjoining lots shall be 10 feet.

(4) *The interior side yard for single-family clustered dwellings on corners lots may be eliminated provided the minimum separation from buildings on adjoining lots shall be 10 feet.

(5) In addition to setbacks from property lines, the minimum yard requirements for single-family attached and multiple-family dwellings shall be provided around the perimeter of each building. The yard requirements for a principal building shall not encroach into the yard requirements for any other principal building.

(6) All permitted uses not listed above shall comply with the setback requirements of the R-1 Single-Family Residence District.

d. **Building Height**

Not more than two and one-half stories or 30 feet, whichever is lower.

e. **Dwelling Unit Floor Area**

The minimum floor area in square feet of single-family semi-detached, single-family attached and multiple-family dwelling units, excluding garages, balconies, basements, utility rooms, and areas common to the



operation and maintenance of the entire building shall be 900 square feet except dwelling units containing more than one bedroom shall be as follows:

- (1) two-bedroom dwelling units - 1,200 square feet
- (2) three-bedroom dwelling units - 1,600 square feet
- (3) units with over three bedrooms - 300 additional square feet for each bedroom

f. Off-Street Parking and Off-Street Loading

In accordance with regulations herein set forth in Section XI.

6. Designation of Permanent Common Open Space

- a. **Definition:** Permanent common open space shall be defined as parks, playgrounds, landscaped green space not immediately adjacent to residential uses, schools, community centers or other similar areas in public ownership or areas covered by an open space easement.
- b. **Designation:** No plan for a planned unit development shall be approved, unless such plan provides for permanent common open space equivalent to at least ten percent (10%) of the total development area in the planned unit development unless the planned unit development regulations for the specific zoning district classification provide otherwise.
- c. **Location and Dimensions:** Permanent common open space shall be at least 20 feet away from any building walk and shall have a minimum dimension of 50 feet; provided, however, where buildings or structures are not parallel to each other, the required spacing shall be measured at the mid-point of the distance along which they face each other, however, the spacing between the buildings and structures at the narrowest point shall be no less than one-half the required distance.
- d. **Use:** Permanent common open space shall be used for passive and active types of recreation conducted only for the residents of the planned unit development or members of a not-for-profit recreation club or be dedicated to a public body for use as a park site, as approved by the Village.
- e. **Buildings or Structures:** Permanent common open space shall have not more than five percent of the area of such open space devoted to buildings or structures for recreational uses, or for accessory uses for such buildings or structures including open or enclosed parking area, unless otherwise approved by the Village.

7. Findings of Fact

In reporting its findings and recommendations on a planned unit development preliminary plan to the Village Board of Trustees, the Plan Commission will submit findings of facts upon which it has based its recommended action. These findings of fact will relate to the specific proposal and shall set forth with particularity in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the following:

- a. In what respects the proposed plan is or is not consistent with the stated purpose of the planned unit development regulations.
- b. The extent to which the proposed plan meets the requirements and standards

of the planned unit development regulations.

- c. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, area, bulk, and use, required improvements, construction and design standards and the reasons why such departures are or are not deemed to be in the public interest.
- d. The extent of public benefit produced, or not produced, by the planned unit development in terms of meeting the planning objectives and standards of the Village. Any specific beneficial actions, plans or programs agreed to in the planned unit development proposal which are clearly beyond the minimum requirements of this Ordinance shall be specifically listed as evidence of justified bulk premiums and/or use exceptions.
- e. The physical design of the proposed plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, open space and further the amenities of light and air, recreation and visual enjoyment.
- f. The relationship and compatibility, beneficial or adverse, of the proposed plan to the adjacent properties and neighborhood.
- g. The desirability of the proposed plan to the Village's physical development, tax base and economic well-being.
- h. The conformity with the recommendations of the Official Comprehensive Plan as amended, and all other official plans and planning policies of the Village of Burr Ridge.
- i. Conformity with the standards set forth in Section XIII.L.7 of this Ordinance.

8. Changes in the Planned Unit Development

A planned unit development shall be developed only according to the approved or recorded final plan and all supporting data. The approved final plan and supporting data, together with all approved amendments, shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises (including the internal use of buildings and structures) and location of buildings and structures in the planned unit development, as set forth therein.

If the developer or owner of land affected by the planned unit development wishes to deviate from the approved plans, a written request shall be filed with the Community Development Director setting forth in detail the changes requested, accompanied by site plans clearly indicating the scope of the changes.

The Community Development Director shall make a written determination of the nature of the proposed changes, including whether they are minor or major changes as herein set forth.

a. Major Changes

Major changes may be approved only by submission of a new application with a new preliminary plan and supporting data, and following the "preliminary approval" steps, holding of a new public hearing by the Plan Commission and subsequent amendment of the final planned unit development plan by final action of the Village Board of Trustees.

Major changes are those which alter the concept or intent of the planned unit



development, including but not limited to increases in the density; increases in the height of buildings or structures; internal use of buildings and structures; reductions of proposed open space; a proposed change in the proportion of housing types; changes in standards of or alignment of roads, utilities, water, electricity, and drainage; or changes in the final governing ordinance.

b. Minor Changes

The Plan Commission may, after review and consideration of minor changes which do not change the concept or intent of the development, recommend to the Village Board of Trustees such minor changes in the planned unit development as it deems appropriate without the requirement for further public hearings and without going through the "preliminary approval" steps, and the Village Board of Trustees shall then make such decision on the proposed minor change as it deems appropriate. There is no specific right to any such modifications and, therefore, the decision of the Village Board of Trustees shall be final. If the decision is to approve any such minor change, the applicant shall be bound to develop the planned unit development in accordance with such decision and the modified site plan and any modifications to the conditions and guarantees which the Village Board of Trustees shall require. Minor changes shall be any change other than a major change.